

PROTECTION OF SUSTAINABLE FOOD AGRICULTURAL LAND AGAINST THE CONVERSION OF AGRICULTURAL LAND TO NON-AGRICULTURAL (STUDY IN BANGKALAN)

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ABSTRACT

Protection of Sustainable Food Agricultural Land which is then stated in Regional Regulation No. 05 of 2013 is one of the policies of the Bangkalan Regional Government to reduce the rate of conversion of agricultural land to non-agricultural. The policy is indicated to be ineffective in its implementation in the community because the substance, structure, and culture of the community do not support the existence of the policy. This type of research is empirical research or commonly called field research that can uncover facts in the field. The type of research used is sociological juridical that can observe the reactions and interactions that occur when a norm does not work properly. The approach method used is the fact approach and the legislation approach. Data types and sources use primary data and secondary data, data collection methods use interviews with several communities and related agencies. Then it is analyzed using a descriptive-qualitative method. The results of the research in the application of the Bangkalan Regional Regulation will be tested for its effectiveness in the community when viewed from the civil law aspect which tends to be very lacking to be applied which has an impact on there are still communities transferring their land for personal interests due to the lack of incentives provided by local governments.

Keywords: *Protection of Sustainable Food Agricultural Land, Land Conversion, Incentive Guarantee*

Introduction

Indonesia has agricultural land that is used for agricultural business, besides that there is also sustainable food land that is determined to be protected and developed regularly and consistently to produce food, especially in order to ensure independence, guarantee national resilience and sovereignty. In Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, hereinafter referred to as the 1945 NRI Constitution, it reads:

"That the earth, water, and natural wealth contained therein are controlled by the state and used for the greatest prosperity of the people".

The word "controlled" in the article does not mean state property, but this understanding implies the authority of the state which is the highest power of an Indonesian nation in regulating and organizing the provision, appointment, use and maintenance of the earth, water, space for the welfare or prosperity of the people. The increase in population that affects human economic activity is a very tough challenge, especially in the agricultural sector. One of them is the erosion of agricultural land with all kinds of human economic activities such as settlements, infrastructure development (dams, roads, etc.) and even industry which results in the narrowing of agricultural land and conversion into non-agricultural allotments.¹

Kebijakan Pemerintah mengenai Perlindungan Lahan Pertanian Pangan Berkelanjutan yang tertuang pada Undang-Undang No. 41 Tahun 2009 tentang Perlindungan Lahan Pertanian Pangan atau biasa disebut UU LP2B pada tahun 2009, menjadi terlihat "sangat memaksa" ketika penerapannya tidak sesuai yang di amanatkan oleh peraturan perundang-undangan. Apabila dikaitkan dengan "hak menguasai negara" dalam Pasal 2 Undang-Undang No. 05 Tahun 1960 tentang Undang-Undang Pokok atau biasa disebut UUPA sekaligus memberikan pemahaman yang lebih lanjut tentang pengertian penguasaan negara, yaitu memberikan kekuasaan atau wewenang kepada negara, sebagai berikut: The Government's policy on the Protection of Sustainable Food Agricultural Land as stated in Law No. 41 of 2009 concerning the Protection of Food Agricultural Land or commonly referred to as the LP2B Law in 2009, becomes "very burdened" when its application is not in accordance with what is mandated by the laws and regulations. If it is related to the "right to control the state" in Article 2 of Law No. 05 of 1960 concerning the Agrarian Basic Law or commonly called UUPA as well as providing a further understanding of the meaning of state control, namely giving power or authority to the state, as follows:²

a. regulate and maintain the appropriation, use, preparation and maintenance of such land;

¹ Heru Kuswanto, SH,M.Hum "***Alih Fungsi Tanah Pertanian Menjadi Non-Pertanian di Kabupaten Sidoarjo***" Jurnal Narotama, Hlm 21-22.

² Urip Santoso,S.H.,M.H."***Hukum Agraria Kajian Komprehensif***", PRENADIAMEDIA GROUP, Jakarta, 2012.,Hlm.79-8-.a

b. establishing and regulating legal relations between people and legal acts relating to land;

c. determine and regulate the legal relationship between a person and legal activities related to land.

Basically, the state can use its ownership rights for the welfare of farmers' lives by issuing an LP2B policy so that the community or land owners do not easily give up their land. However, if you look further at the civil aspect regarding LP2B, it does not only lie in the conversion or conversion of land that occurs, but between the community or land owners and the government there should be a contract or agreement that applies after absorbing the aspirations of the community. In addition, the lack of policy implementation by the government, especially in each region, on the incentive policy that applies to Law No. 41 of 2009 concerning PLP2B, so that many farmers or land owners easily release their land to buyers or investors because of the crisis's economic needs.

Di Kabupaten Bangkalan permasalahan konversi lahan dan/atau peralihan fungsi lahan dari pertanian menjadi non pertanian seperti perumahan, rumah, ataupun toko menurut data yang diambil di lapangan ditahun 2021, banyak terjadi di beberapa Desa diantaranya Desa Mlajah, Bancaran, Labang, dan Burneh. Sementara data BPS menyatakan terhitung sejak ditetapkan Perda No. 05 Tahun 2013 tentang LP2B, tercatat di 2013 Kabupaten Bangkalan memiliki luas lahan pertanian pada sektor padi di seluruh kecamatan yaitu 43 54 400 (Ha), 3 tahun kemudian di tahun 2016 luas lahan pertanian di sektor padi di seluruh kecamatan bertambah menjadi menjadi 52 322 (Ha), namun 3 tahun kemudian di tahun 2019 luas lahan pertanian pada sektor padi menyusut secara drastis menjadi 49 129 (Ha).³

In Bangkalan Regency, the problem of land conversion and/or the transition of land function from agriculture to non-agriculture such as residence, houses, or shops according to data taken in the field in 2021, occurs in several villages including Mlajah, Bancaran, Labang, and Burneh Villages. Meanwhile, BPS data stated that as of the enactment of Regional Regulation No. 05 of 2013 concerning LP2B, it was recorded that in 2013 Bangkalan Regency had an area of agricultural land in the rice

³ *Kabupaten Bangkalan dalam angka 2013-2019*, accessed on the official website : <https://bpsbangkalankab.bps.go.id>, at 10.02 WIB, 25 September 2021.

sector in all sub-districts, namely 43 54 400 (Ha), 3 years later in 2016 the area of agricultural land in the rice sector in all sub-districts increased to 52 322 (Ha), but 3 years later in 2019 the area of agricultural land in the rice sector shrank drastically to 49 129 (Ha). In addition, there was also a land acquisition by BPWS which was again complained about in 2020 because BPWS needed another 7 hectares of land in the same village in 2019 and resulted residents in the village releasing their land to be purchased by BPWS at a low price.⁴

Although there are regulations that have been issued by local governments as stated in Perda No. 05 of 2013 concerning LP2B to reduce the rate of land conversion, these efforts have not been much successful because this policy is **"not strengthened by the presence of the Spacial Regional Regulation"** which should have poured specific data points on land that is included in the Sustainable Food Agriculture Area or commonly called KP2B.

The determination of LP2B has been mandated by Law No. 41 of 2009 with its derivative rules in PP No. 1 of 2011 concerning the determination and conversion of agricultural land functions. The occurrence of the phenomenon of **"legal vacuum"** is **one of the abandonment of the LP2B Regional Regulation of Bangkalan Regency**, because the LP2B policy has just been implemented in 2021 and this is recognized by several related agencies in Bangkalan Regency.

The existence of land conversion carried out from year to year has resulted in the Bangkalan Regency Regional Regulation "indicated not to run effectively and efficiently" and even tends to have a negative impact on the sustainability of agriculture. As further explained, the Regulation aims to reduce the conversion of existing land in Bangkalan Regency. Article 30 of Perda No. 05 of 2013 says:

"Land that has been designated as sustainable food agricultural land, is prohibited from being converted, and can only be converted by the Local Government or the Government for the public interest or in the event of a natural disaster"

Continued in Article 31 of the Bangkalan Regency Regional Regulation No. 05 of 2013 states that sustainable agricultural land conversion is allowed as long as it is carried out for interests such as development purposes for the public or community

⁴ Sumber Berita : <https://kabarmadura.id/harga-pembebasan-lahan-proyek-bpws-kembali-dikeluhkan/>, accessed at 31 Desember 2021, 09.00 WIB.

interest. And the implementation of this public interest must be carried out with the following provisions: having a strategic feasibility study, having a land conversion plan, acquiring ownership of land rights, and the availability of replacement land. In addition, the area of sustainable food agricultural land can be converted for the public interest, the most extensive is 10% of the total area of regional sustainable food agricultural land.⁵ The sanctions that can be imposed are in the form of administrative sanctions contained in Article 47 of Regional Regulation No. 05 of 2013, namely:

- 1.) Written reprimand;
- 2.) Paksaan pemerintah;
- 3.) *Freezing of permits and;*
- 4.) *License revocation.*

There are also criminal sanctions if administrative sanctions are not heeded properly, these criminal sanctions are located in Article 50 of Regional Regulation No. 05 of 2013 which reads:

"Whoever violates the provisions for the conversion of sustainable agricultural land shall be sentenced to a maximum of 3 (three) months imprisonment or a maximum fine of Rp. 50,000,000 (Fifty Million Rupiah)."

Of the many housing developers ready to build, industrialists take advantage of the wealth in agricultural land which makes the area of agricultural land in Bangkalan Regency even less. Many profits were obtained by landowners making agricultural land unproductive anymore because it was forced to be used as business land for industrialists.⁶ This is also related to recommendation letters from agencies or official offices such as Bappeda, The Public Works and Spatial Planning Office of Bangkalan Regency, the Department of Food Crop Agriculture, Horticulture and Plantations of Bangkalan Regency, BPN, as well as the Integrated Licensing Service Office. If the LP2B policy runs properly, it is impossible for there to be a continuous shrinkage of agricultural land. Therefore, the use of land in agriculture becomes an obligation to

⁵ Article 31 verse (1-3) Regional Regulation Nomor 05 Tahun 2013 concerning Sustainable Agricultural Land Protection.

⁶ Laeli Nurhamidah *"Pengalih Fungsian Lahan Pertanian Ke Non Pertanian Di Kabupaten Tegal"* Jurnal Akta : Vol. 4 No.4 Desember 2017, Hlm.701-702.

be maintained and used very well and wisely in order to ensure the welfare of the farmers' lives.

Research Methods

This research uses a type of empirical legal research which is a legal research method that functions to see the law in a real sense and examine how the law works in the community. The type of empirical research that will be used is sociological juridical where this type of research is based on normative legal research (laws and regulations), not examining the system of norms in legislation, but observing the reactions and interactions that occur when the norm system works in society.⁷

The method of approach used by the fact approach is not to provide legal justification such as normative legal research, but only to systematically explain the facts that are present in society.⁸ In addition, this research also uses a statutory approach, by examining all laws and regulations related to legal issues raised in this study.

Discussion

The Local Government of Bangkalan Regency Has Not Implemented Spatial Layout Plan Regulations for the Determination of LP2B Areas

In responding to the large number of land conversions that occur both in Indonesia and in Bangkalan Regency itself, the Government is currently implementing several regulations that are very **"expected to be able to control the rate of agricultural land conversion"** by mandating **"the determination of Sustainable Food Agricultural Land Areas or commonly called KP2B"** in each Regency/City area with the aim of supporting spatial data showing the determination of LP2B. Then

⁷ Ibid Hlm. 84

⁸ Mukti Fajar ND dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, (Yogyakarta : Pustaka Pelajar, Cetakan II, 2013), Hlm 53.

the mandate is contained in Article 23 Paragraph (3) of Law No. 41 of 2009 concerning LP2B.⁹

In Bangkalan Regency, it seems that the implementation of the LP2B policy has encountered many obstacles that affect the effectiveness of the enactment of Bangkalan Regency Regional Regulation No. 05 of 2013 concerning BP2B. One of them is the application of regional regulations regarding LP2B, namely the "**determination of LP2B**" which should also be contained in the Bangkalan Regency Regional Regulation No. 10 of 2009 concerning the Bangkalan Regency Regional Spatial Plan (2009-2029) or commonly called the Bangkalan Regency RT/RW Regional Regulation No. 10 of 2009-2029 in accordance with the mandate of the PLP2B Law, there is absolutely "**no LP2B part**" in the Regional Regulation. It is known that the Rt/RW Regional Regulation of Bangkalan Regency No. 10 of 2009-2029 is stipulated "**at the same time with the LP2B Law**", therefore the RT/RW Regional Regulation of Bangkalan Regency 2009-2029 "**is currently lagging behind**". The impact is the occurrence of "**existing legal vacuum**", because the specific determination of the territory is still not regulated in the Regional Regulation of the RT/RW of Bangkalan Regency No. 10 of 2009-2029 "**and is still in the process of revision from 2021**".

Penetapan peta sebaran LP2B untuk Kawasan LP2B masih terbilang, "**belum memiliki data yang spesifik**" meskipun di dalam Perda sendiri sudah diatur terkait penetapan Luas Lahan Kawasan LP2B yang terdapat di Pasal 12 Ayat (5) Peraturan Daerah Kabupaten Bangkalan No. 05 Tahun 2013. The determination of the LP2B distribution map for the LP2B Area is still, "**does not have specific data**" even though the Regional Regulation itself has been regulated regarding the determination of the LP2B Area Land Area contained in Article 12 Paragraph (5) of bangkalan regency regulation No. 05 of 2013.¹⁰ There are allegations that the existence of the Bangkalan Regency Regulation that regulates LP2B stipulated in 2013 is a "**a form of tactics**"

⁹ Article 23 verse (3) UU No. 41 Year 2009 "The determination of the Regency/City Sustainable Food Agriculture Area is regulated in the Regional Regulation regarding the regional spatial plan of the Regency/city."

¹⁰ a. District of kamal wide : 1.038,00 Ha; b. District Socah wide : 1.636,00 Ha; c. District Bangkalan wide : 1.060,00 Ha; d. District Burneh wide : 3.368,00 Ha; e. District Arosbaya wide : 2.131,00 Ha; f. District Klampis wide : 754,00 Ha; g. District Geger wide : 2.827,00 Ha 12; h. District Sepulu wide : 1.221,00 Ha; I. District Tanjung Bumi wide : 1.214,00 Ha; j. District Kokop wide : 1.675,00 Ha; k. District Blega wide : 2.772,00 Ha; l. District Galis wide : 850,00 Ha; m. District Konang wide : 1.522,00 Ha; n. District Tanah Merah wide : 2.470,00 Ha; o. District Tragah wide : 1.672,00 Ha; p. District Labang wide : 807,00 Ha; q. District Modung wide : 1.486,00 Ha; r. District Kwanyar wide : 1.037,00 Ha; s. Region Bangkalan swamp area : 462,00 Ha.

because the RT/RW Regional Regulation still does not enforce the LP2B Area policy as mandated by the LP2B Law because it is **"still in the process of revision in the Province"**. It can be seen that the Regional Government through relevant agencies in the application of **"LP2B substance is still not ready"** strengthened by the ownership of data from the PUPR Office and the Department of Agriculture, Food Crops, Horticulture, and Plantations which only have LP2B Land area data in 2021.

The implementation of the LP2B program in Bangkalan Regency, especially those related to the Lp2B Area Determination, related agencies only have land area data in 2021. In fact, the Lp2B Regional Regulation of Bangkalan Regency was issued and stipulated starting from 2013 and in it there has been a determination of LP2B Areas per sub-district. There are allegations that these relevant agencies : a.) not open to the public or indeed; b.) these relevant agencies really don't have land area data in 2019, and 2020. The legal vacuum in this substance, in addition to the lack of readiness from the Government, also has an impact on the chaos that occurs in the local government structure. The inability of policies or substance to suppress the rate of conversion, in its application many people ignore the policy against the prohibition of land conversion because the **"weak law enforcement structure of the Local Government, namely the pp police force"** aggravates the rate of conversion of these functions.

It also includes that there are still State representatives (BPWS) who convert for the sake of development program, but do not see the condition of residents because the prices offered are too cheap, and there is a recognition that there is intimidation that occurs in the community if the community does not want their land to be used as development program.¹¹ Although it is still unknown that the land intended for the development is included in the LP2B area, if it is included in the LP2B area because the news was issued in 2019 and the Bangkalan Regency LP2B Regional Regulation was issued in 2013, it should be suspected that the land used in part for the construction of Suramadu access is an LP2B area. The LP2B policy does allow land conversion, but with the condition that its designation is in the public interest as

¹¹ Source : <https://kabarmadura.id/pengembangan-suramadu-dinilai-hanya-rugikan-masyarakat/>, accessed at 31 Desember, 09.15 WIB.

stated in Article 31 Paragraph (1) of bangkalan regency regulation No. 05 of 2013 concerning land conversion for the public interest.¹²

If the land that owns the land rights to the land used for the LP2B area is converted to function for the public interest or land acquisition, then there is compensation for the value of infrastructure investment by the party who carries out the transfer of functions, namely the team formed by the Regional Head consisting of agencies in charge of infrastructure affairs and in charge of agricultural affairs, this is stated in the PLP2B Regional Regulation of Bangkalan Regency No. 05 of 2013 in Article 34 concerning Exemption of Ownership of Land Rights. In addition, there is also the availability of replacement land for the LP2B area which is converted to public interest as regulated in Article 35 of the Bangkalan Regency Regional Regulation No. 5 of 2013 concerning the Availability of Replacement Land.¹³

When viewed from BPS data which annually experiences depreciation from the time of the issuance of the Perda, it should also be suspected that the BPS data is land that is also included in the LP2B area because of the LP2B Policy as stated in Perda No. 05 of 2013 Bangkalan Regency was issued in 2013. In BPS data Bangkalan Regency, the area of agricultural land since the issuance of Bangkalan Regency

¹² Article 31 verse (1) Regional Regulation Bangkalan No. 05 Tahun 2013 "The conversion of sustainable food agricultural land for the public interest is carried out for development purposes: a. roads, b. reservoirs, c. dams, d. irrigation, e. drinking water or clean water channels, f. drainage and sanitation, g. irrigation buildings, h. ports, I. airports, j. railway stations, k. terminals, l. public safety facilities, m. nature reserves, and/or n. power plants and networks.

¹³ Article 35 Regional Regulation Bangkalan No. 05 Tahun 2013 concerning Availability of Substitute Land:

(1) The availability of substitutes for sustainable food agricultural land as referred to in Article 31 paragraph (2) letter d must be carried out by the party who performs the transfer of functions on the condition that it must meet the suitability of the land and be in a condition of being ready for planting, with the following conditions: a. for the conversion of irrigated land, a replacement land of at least 3 (three) times the land area is provided; b. for the conversion of non-irrigated land, replacement land is provided at least 1 (one) time the land area.

(2) The provision of replacement land for sustainable food agricultural land as referred to in paragraph (1) must be contained in the RKPD, RPJMD, and RPJPD.

(3) The provision of substitutes for sustainable food agricultural land is carried out no later than 2 (two) years after the transfer of functions is carried out, and can be obtained from: a. the opening of new land for sustainable food agricultural reserves; b. the conversion of land from non-agricultural to sustainable food agriculture, especially from wastelands and lands of former areas; and c. the designation of agricultural land as sustainable food agricultural land.

Regional Regulation No. 05 of 2013 concerning LP2B, in the rice sector or if entered into LP2B is technical paddy fields in all sub-districts, namely in 2013 there were approximately 54 400 (Ha), 3 years later in 2016 the area of agricultural land in the rice sector in all districts increased to 52 322 (Ha), but 3 years later in 2019 the area of agricultural land in the rice sector shrank drastically to 49 129 (Ha),¹⁴ and for 2020 in BPS data, there is no land area in the rice sector. This shows that in addition to the transfer of agricultural land functions, both to productive land and LP2B land, there is also **"an overlap of authority"** due to **"lack of enthusiasm from the agencies"** to support the PLP2B policy. So what happened was that the policy of implementing the LP2B area **"has not found a pivot point because of the weak authority in the structure of the Regional Government"** in the PLP2B policy in Bangkalan Regency.

In addition to the absence of RT/RW regulations, there is also no Local Government Regulation or Regent's Regulation related to LP2B, which should require technical instructions to clarify the rules of the Lp2B Regional Regulation of Bangkalan Regency. Therefore, indeed, in the implementation of the PLP2B policy in Bangkalan Regency, it is not enough to use only one regulation, but also to clarify some technical regulations that should indeed require derivative regulations so that their application does not overlap or blame each other.

There Should Be Incentives and Contractual Relationships from the Government to the People of Bangkalan Regency

As for what the government should give if the land owner farmer wants to designate his land as an LP2B area, the land owner farmer will get an incentive from the government which has been stated in Article 38 of Law No. 41 of 2009 concerning Incentives given to Farmers, which is also regulated in its derivative regulations with the same content, namely Government Regulation No. 12 of 2012 concerning LP2B Incentives. This incentive policy is also regulated in Article 40 Paragraphs (1) and (2) of Regional Regulation No. 05 of 2013 of Bangkalan Regency concerning Incentives given to Farmers.¹⁵

¹⁴ *Kabupaten Bangkalan dalam angka 2013-2019*, accessed in : <https://bpsbangkalankab.bps.go.id>, at 10.02 WIB, 25 September 2021.

¹⁵ Article 40 verse (1) Regional Regulation Bangkalan No. 05 Tahun 2013 " Local Governments carry out coordinated control of sustainable food agricultural land, through the provision of

But what happened in Bangkalan Regency, **"the cause of farmers or communities still not wanting to accept the consequences"** given by the local government to community-owned land that has been used as LP2B land, namely **"no incentive offer"** from the government to the community. This incentive should be given to support the welfare of farmers' lives or land owners, **communities or land owners do not find full interest** in this LP2B policy because **"there is no reciprocity"** given to the community in Bangkalan Regency. Therefore, it becomes very natural if the public is very ignorant of existing Government policies. The state in its power does have the right to control the state in the sense that if it wants to carry out its policies, then as a consequence of the right to control it is used for the greatest prosperity of the people, this is a mandate of the UUPA in Article 2 Paragraph (2) of Law No. 05 of 1960.¹⁶ The state also has the right in land use or land use activities to cancel or take away rights to land owned or controlled by the community, but there must be proper compensation to the community with what the government wants, of course, this has been regulated in the law.¹⁷

One example of the implementation of a policy that has a guarantee of compensation to the community is the provision of incentives to farmers whose land wants to be used as LP2B area. However, in its application in Bangkalan Regency, when viewed from the civil aspect of land owned by the community in terms of ownership rights that are willing to use as LP2B land, it becomes very coercive if the Regional Government in its Regional Regulation No. 05 of 2013 in Article 12

incentives and disincentives to farmers, and Paragraph (2) Incentives given to farmers, including: a. land and building tax relief; b. development of agricultural infrastructure; c. financing research and development of seeds and high-yielding varieties; d. ease of access to information and technology; e. provision of agricultural production facilities and infrastructure; f. guarantee of issuance of certificates of food agricultural land plots through sporadic and systematic land registration; and/or g. awards for outstanding farmers".

¹⁶ Article 2 verse (2) UU No.5 Tahun 1960 "The right of control of the State referred to in paragraph (1) of this article authorizes to: a. regulate and administer the appropriation, use, supply and maintenance of the earth, water and space; b. determining and regulating the legal relations between people and the earth, water and space, c. determining and regulating the legal relations between people and the legal acts concerning the earth, water and space".

¹⁷ Achmad Rubaie, *Hukum Pengadaan Tanah Untuk Kepentingan Umum*, Malang, Bayumedia Publishing, 2007, Hlm 39.

Paragraph (5) has determined the land area of the LP2B area that should be suspected without the knowledge of some of the community. The tendency of local governments in Bangkalan Regency, which exercises their power rights more, can be seen in the implementation of LP2B is "**undemocratic**" since the issuance of Regional Regulation No. 05 of 2013 concerning LP2B. Whereas in Article 12 Paragraphs (2) and (3) of Regional Regulation No. 05 of 2013 Bangkalan Regency concerning the Determination of LP2B Areas, before determining the LP2B area "**The Regional Government must hold socialization**" after that, "**make an offer to the community**" whose land is included in the LP2B criteria, and then determine agricultural land to be used as LP2B Area.

The PLP2B Law mandates that the Determination of LP2B Areas is carried out openly and accessible to the public, this is stated in Chapter X of the Information System in Article 58 to Article 60 of Law No. 41 of 2009 concerning PLP2B.¹⁸ Land data, which is the basic data from the implementation of the LP2B Information System and is listed in Article 58 Paragraph (3) of Law No. 41 of 2009 concerning PLP2B, is clearly regulated in detail in Government Regulation Number 25 Year 2012 concerning LP2B Information System. In addition, the information system related to the implementation of LP2B is stated in Chapter XV Article 44 of the Bangkalan Regency Regional Regulation No. 05 of 2013, of course, the existence of these policies further strengthens that "**LP2B policy demands community participation**" in the implementation of the LP2B program. A public policy must certainly involve the community to participate in the process of planning, implementing, and even

¹⁸ Article 50 verse (1) UU No. 41 Tahun 2009 "The government, provincial governments, and district/city governments organize a Sustainable Food Agricultural Land Information System that can be accessed by the community". Article 59 "Paragraph (1) Dissemination of information as referred to in Article 58 is carried out until sub-districts and villages, Paragraph (2) the Minister coordinates the Sustainable Food Agricultural Land Information System for the purposes of Protecting Sustainable Food Agricultural Land as referred to in Article 58 Paragraph (3)The information system and land administration of Sustainable Food Agricultural Land are managed by the Sustainable Food Agricultural Land Information Center which is coordinated interagency government in the field of land, Government agencies in the field of statistics, and other relevant government agencies".

evaluating existing public policies, because its application is also for the welfare of the community.

To ensure that the land gets legal certainty and supports the welfare of farmers' lives when viewed from a civil aspect, **"what should be done by the Regional Government is to carry out agreements "** in the form of **"contracts"** as a form of achievement which can also contain incentives as long as the land is used or designated as an LP2B area. If the government can support the welfare of the lives of farmers or land owners, it is unlikely that the land will be converted or traded. If we look at the LP2B policy in the Bangkalan Regency Regional Regulation No. 05 of 2013, it actually **"contains an element of renting" against the community which according to Article 1548 of the Civil Code or commonly referred to (KUH Perdata) :**

"A lease is an agreement, by which the one party binds itself to give the enjoyment of an item to the other party for a certain time, with the payment of a price that the latter party is willing to".

The reason is that in planning the implementation of the LP2B area determination, the Regional Government **"has a period of time"** in planning the implementation of the LP2B area determination as stated in Article 9 Paragraph (6) of Regional Regulation No. 05 of 2013 concerning planning proposals. It remains only how to apply the offer to the community where the local government should provide Achievements in the form of Incentives. If the policy is implemented by the local government without providing incentives to the community for 20 years, will the community be guaranteed their welfare by the government and be able to reduce the rate of land conversion if the land owner is experiencing a crisis economic condition.

So far since the issuance of Perda No. 05 of 2013 concerning LP2B in Bangkalan Regency, its application still does not look reciprocal to the community, as evidenced by the statements of relevant agencies that do not dare to provide incentives to the community. But indeed, the article of providing incentives to farmers or land owners is the task of the Regional Government as stated in Article 40 Paragraph (1) of the Bangkalan Regency Regulation No. 05 of 2013.¹⁹

¹⁹ Article 40 verse (1) Regional Regulation No.5 Tahun 2013 Bangkalan "Local Governments carry out coordinated control of sustainable food agricultural land, through the provision of incentives and disciplinary measures to farmers".

The Implementation of Sanctions in the PLP2B Policy Is Not Ongoing Because It Faces Community Culture

In the LP2B Regional Regulation of Bangkalan Regency regarding the provision of sanctions if there are people who transfer their agricultural land to non-agricultural such as houses, shops, or housing will be subject to "administrative sanctions" and "criminal sanctions". As explained above, the cause of the community not wanting to accept the consequences of complying with the laws that have been set by the Local Government is because : a.) weak structure of local governments that still have not implemented the mandate of the laws and regulations related to the provision of incentives in the PLP2B policy; b.) land owners are still thick about their land ownership for personal needs. Therefore, the cause of the community's **"non-compliance with the PLP2B policy"** is because it is hampered by the **"cultural willingness of the community to obey the law"**, as well as **"awareness of the benefits of the law itself is not built in the community"** meaning **"there is no reciprocity"** from the Bangkalan Regency Government towards the people who have been present in implementing this LP2B policy.

Conclusion

The existence of this LP2B policy is expected to be able to reduce the rate of land conversion in Bangkalan Regency, as far as since its issuance in 2013, it certainly found a lot of obstacles that occurred, and had an effect on the effectiveness of its effectiveness in the community. In substance, the "Legal Vacuum" is one of the problems of the applicability of the LP2B policy which greatly affects the rate of land conversion. The application of the LP2B area in Bangkalan Regency, because the LP2B Law mandates the existence of an RT/RW Regional Regulation which aims to specifically determine the LP2B area in each region so that agricultural land is maintained for its benefit. However, what happened in Bangkalan Regency, the RT/RW Regional Regulation did not discuss

related to the "LP2B Area" so there was no clarity on data related to the LP2B determination area. In addition, there is no Regent Regulation related to the LP2B policy which should discuss technical regulations such as guaranteeing incentives to farmers or land owners.

This has caused chaos in the application which shows that there are weaknesses in the law enforcement structure, where people still tend not to want to accept the consequences given by the local government if there is LP2B land that wants to be used as a house because the land is the property of the community. Of course, this is natural because the Regional Government has not been able to guarantee the welfare of people's lives.

The state may exercise its right of possession as the highest organization in accordance with the mandate of Article 2 Paragraph (2) of the UUPA to make a general plan (planning) regarding the supply, allotment, and use of land that has the scope as in this LP2B area determination policy. However, if the land is owned by the community when viewed from a civil aspect, it should be done by the government to enter into an agreement in the form of a "contract" so that the community can also be guaranteed the welfare of their lives and not transfer their land. The reason is also that in the planning of the LP2B Regional Regulation of Bangkalan Regency, there is a period of time in the implementation of the LP2B area determination. Therefore, if there is no contract that can guarantee the welfare of farmers' lives, it is very natural when the community cannot fully comply with the law. Thus causing chaos in the implementation of the PLP2B policy in Bangkalan Regency, because so far in Bangkalan Regency there are still

a lot of land function changes that occur due to the absence of regulations that can reduce the rate of land conversion.

As mandated by the PLP2B Law, the Bangkalan Regency Government is very necessary to: 1.) complete the RT/RW Regional Regulation so that the determination of agricultural land areas has definite data; 2.) the determination of the LP2B area must involve the community in the planning process, of course, it is necessary to socialize first so that the community knows what LP2B is; 3.) The Local Government of Bangkalan Regency is very necessary to form a Regent Regulation so that policies related to PLP2B in Bangkalan Regency do not float and can run optimally; 4.) if there are people who already want their land to be used as LP2B, the government should be more enthusiastic about implementing the LP2B policy by implementing "contracts or agreements" so that the community can be guaranteed the welfare of their lives.

Appreciation

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